

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of the Claims:

1. (Currently Amended) A method for controlling crown gall disease ~~on a plant species susceptible to the disease~~, said method comprising the step of:

(a) introducing onto ~~the a~~ a plant species susceptible to the disease an effective amount of a biologically pure culture of an α -proteobacteria ~~which is capable of controlling crown gall disease~~, wherein the α -proteobacteria is a strain of *Rhizobiaceae* bacteria genetically engineered to express a *tx* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin ~~for which is capable of controlling crown gall disease on plants;~~ and

(b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing bacterium, wherein the plant is a grape plant, a fruit tree or a rose plant.

2. (Previously Amended) The method of Claim 1 wherein the α -proteobacteria is a strain of *Agrobacterium* bacteria.

3. (Original) The method of Claim 2 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.

4. (Previously Amended) The method of Claim 3 wherein the strain of *Agrobacterium* bacteria is the strain *Agrobacterium vitis* F2/5 including pT2TFXK, ATCC Patent Deposit Designation PTA-2356.

5. (Canceled)

6. (Previously Amended) The method of Claim 1 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

7. (Previously Amended) The method of Claim 1 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.
8. (Canceled)
9. (Original) The method of Claim 1 wherein the plant is a seed.
10. (Currently Amended) A method for controlling crown gall disease ~~on a plant species susceptible to the disease~~, said method comprising the step of:
- (a) introducing onto ~~the~~ a plant species susceptible to the disease an effective amount of a biologically pure culture of an α -proteobacteria ~~which is capable of controlling crown gall disease~~, wherein the α -proteobacteria is a strain of either *Rhizobium* or *Agrobacterium* bacteria genetically engineered to express a *tfx* operon, wherein the α -proteobacteria enters the stem of the plant through a wound site on the plant, and wherein the α -proteobacteria produces trifolitoxin ~~for~~ which is capable of controlling crown gall disease on plants; and
 - (b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing bacterium, wherein the plant is a grape plant, a fruit tree or a rose plant.
11. (Canceled)
12. (Currently Amended) The method of Claim ~~11~~ 10 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.
13. (Previously Amended) The method of Claim 12 wherein the strain of *Agrobacterium* bacteria is the strain *Agrobacterium vitis* F2/5 including pT2TFXK, ATCC Patent Deposit Designation PTA-2356.
14. (Canceled)
15. (Previously Amended) The method of Claim 10 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

16. (Previously Amended) The method of Claim 10 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.

17. (Cancelled)

18. (Original) The method of Claim 10 wherein the plant is a seed.

19. (Previously Amended) A biocontrol agent for controlling crown gall disease comprising an α -proteobacteria which is capable of controlling crown gall disease, wherein the α -proteobacteria is a strain of *Agrobacterium* bacteria genetically engineered to express a *tfx* operon to produce trifolitoxin.

20. (Cancelled)

21. (Previously Amended) The biocontrol agent of Claim ~~20~~ 19 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.

22. (Previously Amended) The biocontrol agent of Claim 21 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis* F2/5 including pT2TFXK, ATCC Patent Deposit Designation PTA-2356.

23. (Canceled)

24. (Previously Amended) The biocontrol agent of Claim 19 wherein the α -proteobacteria is genetically engineered to express SEQ ID NO:1.

25. (Previously Amended) The biocontrol agent of Claim 19 wherein the α -proteobacteria is genetically engineered to express a pT2TFXK plasmid.

26. (Previously Presented) The method of Claim 1 wherein the α -proteobacteria is a strain of *Rhizobium* bacteria.

27. (Previously Presented) The method of Claim 10 wherein the strain of *Rhizobium* bacteria is *Rhizobium leguminosarum*.
28. (Withdrawn) A method for controlling crown gall disease comprising:
- a) providing:
 - (i) a crown-gall susceptible plant, wherein the plant is a wounded plant capable of being infected; and
 - (ii) an effective amount of a biologically pure culture of a trifolitoxin-producing bacterium, wherein the bacterium is a strain of *Rhizobiaceae* bacteria; and
 - b) applying the trifolitoxin-producing bacterium onto a wound of the susceptible plant for controlling crown gall disease.
29. (Withdrawn) The method of Claim 28, wherein the biologically pure culture of the trifolitoxin-producing bacterium is applied to the susceptible plant in step (b) by spraying a bacterial suspension onto the crown of the susceptible plant.
30. (Withdrawn) The method of Claim 28, wherein the *Rhizobiaceae* bacterium is capable of systemically colonizing the plant.
31. (Withdrawn) The method of Claim 30, wherein the bacterium is *Agrobacterium vitis* strain F2/5.
32. (Withdrawn) The method of Claim 31, wherein the plant is a *vitis* species.